IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 15780 of 2004

Between:

Smt.JJ Therissa, w/o Enok Bala Sundar Rao,
PGT English, APSWRS/JC Asifabad, Adilabad District.

..... PETITIONER

AND

1 The Secretary, A.P.Social Welfare Residential Educational

Institutions Society (reg.) Hyderabad,
Telugu Sanskhema Bhavan, Masabtank, Hyderabad.

2 The Deputy Secretary Zone-V, A.P.Social Welfare Residential Educational Institutions Society (reg.) Hyd. Telugu Sankshema Bhavan, Masabtank, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, preferably one in the nature of writ of mandamus, declaring the transfer orders dt.20-08-2004, issued by first respondent, vide proceedings in Rc.No.Prls/Estt/20779/2004, pasted on the door of residence on 30-08-04 while petitioner was on leave is arbitrary, illegal and against the principles of natural justice and consequently be pleased to direct the respondent authorities to effect transfer of petitioner in the same school where her husband is transferred or vise-versa, within zone-V or any other zone in the state of A.P. at the direction of the respondent authorities, after completion of this academic year (2004-05), by invoking the rules/Government orders governing the transfer of both the spouses working in the same institution or State Government or Central Government, as the case may be, in the same town

Counsel for the Petitioner: MR.S.AGASTYA SHARMA

Counsel for the Respondents: MR.VIJAYA BHASKAR MOOLA

The Court at the stage of admission made the following:

HONOURABLE DR. JUSTICE G.YETHIRAJULU

WRIT PETITION NO.15780 OF 2004

ORDER:

The petitioner is working as a PGT English, in the School, under the control of the 1st respondent. The husband of the petitioner is also working in the College, attached to the School, at the same place. The 1st respondent issued proceedings dated 20.08.2004 transferring the petitioner from Asifabad to Elkaturthy in Karimnagar District, and transferring the husband of the petitioner to Koheda in Karimnagar District from Asifabad.

2. The grievance of the petitioner is that the 1st respondent without considering the fact that the petitioner and her husband are living together, and specific instructions that the spouses should be kept at one place, resorted to transfer them to different places.

3. The learned counsel for the respondents represented that against the order of transfer, an appeal lies to the Chairman of the 1st respondent Society, and the petitioner without exhausting the remedy of the appeal, approached this Court through this Writ Petition, seeking an extraordinary relief under Article 226 of the Constitution of India. He therefore submitted that the writ petition couldn't be maintained.

4. In the light of the representation made by the counsel for the respondents, the writ petition at this stage cannot be maintained. The petitioner is at liberty to prefer an appeal to the Chairman of the 1st respondent-Society, questioning the impugned order and the Chairman may pass appropriate orders according to Rules.

5. The transfer of the petitioner shall be kept in abeyance till the Chairman takes a decision on the appeal that is going to be preferred by the petitioner. The Chairman of the 1st respondent, may dispose of the appeal of

the petitioner within two weeks from the date of its filing.

6 . The Writ Petition is, accordingly, disposed of, with the above observations. No order as to costs.

Dr. G.YETHIRAJULU, J

02nd September, 2004.

SKM

Note:

Issue CC by 03.09.2004

B/o.

skm

To:

1. The Secretary,
A.P.Social Welfare Residential Educational Institutions
Society (Reg.), Hyderabad, Telugu Sanshema Bhavan,
Masabtank, Hyderabad.

2. The Deputy Secretary Zone-V,
A.P.Social Welfare Residential Educational Institutions
Society (Reg.) Hyderabad,Telugu Sanshema Bhavan,
Masabtank, Hyderabad

3. Two CD copies.